Claim Form

In the	Warwick County Court
Fee Account no.	
Help with Fees - Ref no. (if applicable)	H W F – –

You may be able to issue your claim online which may save time and money. Go to www.moneyclaim.gov.uk to find out more.

	For court use only
Claim no.	
Issue date	

Claimant(s) name(s) and address(es) including postcode
Maria Kowal
10 Swallow Road
Warwick
CV24 2PD

SEAL

Defendant(s) name and address(es) including postcode
Jessica Ball
27 Church Street
Warwick
CV21 3ST

Brief details of claim
The Defendant has said she cannot let the property at 5 Hunter Close, Warwick,CV17 6DG to me because I am Polish and do not have a British passport. She was willing to let the property to my friends who hold a British passport. By not letting the property to me for this reason, I am directly discriminated against because of my nationality.

I am claiming an injuntion and damages (general damages for injury to feelings and special damages as I have lost money because of her actions).

Value
Not more than £5,000

You must indicate your preferred County Court Hearing Centre for hearings here *(see notes for guidance)*

Warwick County Court - Warwickshire Justice Centre

Defendant's name and address for service including postcode

Jessica Ball
27 Church Street
Warwick
CV21 3ST

	£
Amount claimed	5000.00
Court fee	513.00
Legal representative's costs	n/a
Total amount	**5513.00**

For further details of the courts www.gov.uk/find-court-tribunal.
When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

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Claim No.	

Does, or will, your claim include any issues under the Human Rights Act 1998? ☐ Yes ☑ No

Particulars of Claim (attached)(to follow)
See attached sheets

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☑ **I believe** that the facts stated in this particulars of claim are true.

☐ **The Claimant** believes that the facts stated this particulars of claim are true. **I am authorised** by the claimant to sign this statement.

Signature

Maria Kowal

☑ Claimant

☐ Litigation friend (where judgment creditor is a child or a patient)

☐ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
17	8	2020

Full name

Maria Kowal

Name of claimant's legal representative's firm

n/a

If signing on behalf of firm or company give position or office held

n/a

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

n/a (same as overleaf)

Second line of address

Town or city

County (optional)

Postcode

If applicable

Phone number

Fax phone number

DX number

Your Ref.

Email

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter

CLAIM NO.

IN THE WARWICK COUNTY COURT
BETWEEN

MS MARIA KOWAL

Claimant

-and-

MS JESSICA BALL

Defendant

PARTICULARS OF CLAIM

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1. I am the Claimant in these proceedings. My name is Maria Kowal and I am a Polish national. I came to the UK from Poland in May 2013. Ever since I came to the UK, I have worked full time as a secretary for Warwick Council and have always had a visa to live and work in the UK.

2. The Defendant, Jessica Ball, is the owner of 5 Hunter Close, Warwick CV17 6DG, which is a three bedroom house ("the property"). The Defendant does not live at the house and has rented it out for a number of years.

3. On 4 May 2020, I saw the property advertised in my local letting agent's window as available to rent for £1,500 per calendar month. That day, I made enquiries with the letting agent, who gave me the Defendant's phone number to contact directly. I phoned the Defendant to arrange a viewing for the following day.

4. On 5 May 2020, I went to the property with my friends - Rachel Smith and Sonia Gordon - to meet the Defendant. After looking at the property, me and my friends told the Defendant that day that we would like to rent it as an assured shorthold tenancy for £1,500 per month.

5. The Defendant said the property would be ready to move into from 12 May 2020 and asked us to pay a non-returnable holding deposit of £500 each to secure the property and cancel other viewings. We each paid £500 by cash that day. The Defendant asked them to return in the next few days to sign the tenancy agreement and bring their passports for checks.

6. I handed in my notice to my landlord on 5 May 2020. At the time, I lived with my landlord as a lodger at 10 Swallow Road, Warwick CV24 2PD.

7. The Defendant is the freehold owner responsible for the premises at 5 Hunter Close, Warwick CV17 6DG. She has a duty under s.33 of the Equality Act 2010 not to discriminate in the disposal of the premises, which includes not letting the property.

8. The Defendant discriminated against me when she refused to let the property to me because of my race. I am Polish. The Defendant treated me less favourably than she treated my friends, who are English, as she was willing to let the property to them.

9. I am able to afford to pay the rent and the deposit just as my friends are. I have good references showing that I would be a good tenant and my friends have the same sorts of references. My friends are appropriate comparators.

10. This was direct discrimination in breach of s.13 of the Equality Act 2010 due to the following actions.

PARTICULARS

(i) On 10 May 2020, I went back to the property with my friends to meet the Defendant. We wanted to sign the tenancy agreement and show the Defendant our passports.

(ii) When the Defendant saw that I had a Polish passport, she said she could not accept me as a tenant because I did not have a British passport. The Defendant said she would have to do additional checks to see if I had the right to rent her house. As she did not have time to do those checks she could not rent to me.

(iii) The Defendant said she would still be able to let the property to my friends as they had British passports, but they would need to cover the full rent or find another tenant.

(iv) As the Defendant had taken the property off the market and was not told at the first meeting that I was Polish, she said she would not return the deposit to me.

11. Due to the Defendant's actions, I have suffered loss, damage, distress, discomfort and inconvenience. I claim for injury to feelings under s.119 Equality Act 2010.

PARTICULARS OF GENERAL DAMAGE

(a) I had to move out of my room at 10 Swallow Road and stay on my friend's floor for three nights from 12 to 15 May 2020.
(b) I was worried because I did not have anywhere else to live.
(c) I was distressed and humiliated by the Defendant's actions.

PARTICULARS OF SPECIAL DAMAGE

I had to pay for the following things:

(a) Storage costs of my belongings from 12 May 2020 to 25 May 2020 of £200.
(b) Delivery costs on 12 May 2020 and 25 May 2020 of £200.
(c) Hotel costs at Travelodge from 15 May 2020 to 25 May 2020 of £720.
(d) Loss of earnings due to taking three days off work unpaid of £300.
(e) Deposit £500.

12. I also claim interest on these damages as the court thinks appropriate.

AND I also claim:

(1) Damages including general and special damages.
(2) Interest.
(3) Costs.

I believe that the facts stated in this Particulars of Claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....*M.Kowal*
MARIA KOWAL
Dated.....17 August 2020

To the Court Manager and to the Defendant